

THEODORE J. BOUTROUS JR., SBN 132099
tboutrous@gibsondunn.com
RICHARD J. DOREN, SBN 124666
rdoren@gibsondunn.com
DANIEL G. SWANSON, SBN 116556
dswanson@gibsondunn.com
JAY P. SRINIVASAN, SBN 181471
jsrinivasan@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue Los Angeles, CA 90071
Telephone: 213.229.7000
Facsimile: 213.229.7520
VERONICA S. MOYÉ (Texas Bar No.
24000092; *pro hac vice*)
vmoye@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900

CYNTHIA E. RICHMAN (D.C. Bar No.
492089; *pro hac vice*)
crichman@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539

ETHAN D. DETTMER, SBN 196046
edettmer@gibsondunn.com
RACHEL S. BRASS, SBN 219301
rbrass@gibsondunn.com
CAELI A. HIGNEY, SBN 268644
chigney@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street
San Francisco, CA 94105
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant Apple Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re Apple iPhone Antitrust Litigation

Case No. 4:11-cv-06714-YGR

**STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING SEALING PROCEDURES**

The Honorable Yvonne Gonzalez Rogers

1 WHEREAS, Plaintiffs and Apple Inc. (each a “Party,” and collectively the “Parties”) wish to
 2 conserve the resources of the Court and to avoid filing multiple sealing motions and declarations,
 3 especially in light of the current judicial emergency in the Northern District of California, *see, e.g.*,
 4 Order Denying [81] Motion, *SaurikIT, LLC v. Apple Inc.*, Case No. 4:20-cv-08733-YGR (June 24,
 5 2022) (Dkt. 84) (referencing judicial emergency and directing that “filing of . . . unnecessary motions
 6 should be avoided”);

7 WHEREAS the Parties anticipate that filings in this action, including the forthcoming class
 8 certification briefing, will continue to involve confidential information which may belong to the Parties
 9 as well as non-parties (noting that briefing on Plaintiffs’ first motion for class certification involved
 10 confidential information relating to fourteen third parties);

11 WHEREAS substantial time can be required to carefully and properly redact each Party and
 12 non-party’s confidential information (and thereby avoid inadvertent public filings of confidential
 13 information and emergency requests to lock docket entries);

14 WHEREAS the Local Rules call for a separate motion to consider sealing for each third party
 15 to be supported by a subsequent motion or declaration from the third party, *see* Civil L.R. 79-5(f);

16 WHEREAS parties in other matters pending in this District have, with Court approval,
 17 stipulated to modifications of the seal procedures set forth in the local rules to minimize the burdens of
 18 multiple sealing requests, *see, e.g.*, Stipulated Order Modifying Sealing Procedures Relating to
 19 Plaintiffs’ Motion for Sanctions, *In re Google Play Store Antitrust Litigation*, Case No. 3:20-cv-05671-
 20 JD (May 27, 2022) (Dkt. 264) (adopting procedure for omnibus sealing motion to follow completion
 21 of briefing on underlying motion); and

22 WHEREAS the Court has previously requested an omnibus filing to collect sealing requests,
 23 *see* Nov. 16, 2021 Tr. 81:9-14; Dkts. 617, 631;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED SUBJECT TO THE
 25 COURT’S APPROVAL:

- 26 • If a Party files a document for which it intends to request sealing, the Party may file the
 27 document in redacted or slip-sheet form and contemporaneously file an unredacted copy of
 28 the same document on the ECF docket, provisionally under seal, along with a 1-page interim

sealing motion which may indicate that the reasons for sealing will be discussed in a forthcoming omnibus sealing motion;

- The Parties and any affected third parties shall jointly file an omnibus sealing motion within 14 days after the conclusion of briefing of the underlying motion or filing (including any associated filings such as *Daubert* motions or motions to strike);
- The Party filing the underlying document sought to be sealed shall bear the responsibility of: (1) notifying each affected third party regarding any of its confidential information that has been filed under seal and (2) soliciting each affected third party's request(s) for sealing or waiver(s) of confidentiality for inclusion in the omnibus sealing motion; and
- The Party filing the underlying document sought to be sealed shall file the public-facing version of the document, with any redactions pursuant to the Court's sealing order, within 21 days following the Court's order on the omnibus sealing motion.

IT IS SO STIPULATED AND AGREED.

Dated: September 16, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Caeli A. Higney
Caeli A. Higney

Attorney for Defendant Apple Inc.

Dated: September 16, 2022

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP

By: /s/ Rachele R. Byrd
Mark C. Rifkin
Betsy C. Manifold
Rachele R. Byrd

Attorneys for Consumer Plaintiffs

ECF SIGNATURE ATTESTATION

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: September 16, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Caeli A. Higney
Caeli A. Higney

Attorney for Defendant Apple Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 26, , 2022


HON. YVONNE GONZALEZ ROGERS
United States District Court Judge